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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,165	03/10/2004	Kenji Abe	848075-0074	9074

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EXAMINER	
NGUYEN, TUAN DUC	
ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
04/10/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/800,165	ABE ET AL.	
	Examiner	Art Unit	
	TUAN D. NGUYEN	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7 and 9-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7, 9-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 23 and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the rotation mechanism" in page 7 lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim 24 recites the limitation "the rotation mechanism" in page 7 lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-7, 13, 17, 18, 20, 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's cited references JP2002-135380 (Akitoshi et al) in view of JP05-211547 (Hironori et al).

Regarding claims 1, 13, 17, 18, 22 and 25, Akitoshi et al discloses a portable terminal (figures 1-5, 9-11) having a first casing (10) and a second casing (20), wherein the casings have respective first and second surfaces facing a user of the portable terminal, the portable terminal comprising: a rotating mechanism (2) coupling the first casing to the second casing.

Hironori et al discloses inclining the first casing relative to the second casing during at least an initial stage of rotating the first casing relative to the second casing, whereby the surfaces substantially face the user when rotating the first casing relative to the second casing; wherein the rotating mechanism (see figures 1c, 2) has a first base member (8) with a mounting hole fixed to the second casing and a second base member (12) with a rotator fixed to the first casing and rotatably engaged with the mounting hole, wherein the second base member is pivotable around a pivot shaft perpendicular to an axis of the rotator by the pivot mechanism, wherein the first casing is provided with a protrusion (17) and the second casing is provided with a guide abutted by the protrusion, and wherein the rotating mechanism has biasing means for biasing the protrusion to the guide.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use an inclined rotating mechanism

by Hironori et al in Akitoshi et al for pivoting the two cases of a portable terminal.

Regarding claim 2, Akitoshi et al and Hironori et al show wherein the rotating mechanism has biasing means for biasing the first casing towards the second surface of the second casing (see Akitoshi figures 1-5 and 9-11; Hironori figures 1a, 1b, 1c and 2).

Regarding claim 3, Akitoshi et al and Hironori et al show wherein the rotating mechanism has angle control means for varying an angle formed between the first and second surfaces during the relative rotation of the first casing and the second casing (see Akitoshi figures 1, 2; Hironori abstract, paragraph 0016).

Regarding claim 4, Akitoshi et al and Hironori et al show wherein the angle control means maintains a constant angle formed between the first and second surfaces and increases the angle after the initial stage of the rotation from a position in which the first and second casings are superposed on each other (see Akitoshi figures 1, 2; Hironori abstract, paragraph 0016).

Regarding claims 5, 14, 23 and 24, Akitoshi et al and Hironori et al show wherein the angle control means gradually increases the angle formed between the first and second surfaces after the initial stage of the rotation from a position in which the first and second casings are superposed on each other (see Akitoshi figures 1, 2; Hironori abstract, paragraph 0016).

Regarding claim 6, Hironori et al shows wherein the angle control means has a guide provided respectively on the first casing or the second casing and a protrusion provided respectively on the second casing or the first casing and abutting the guide, and varying the angle between the first and second surfaces by sliding the protrusion on the guide with the relative rotation of the first and second casings (see figure 2).

Regarding claim 7, Hironori et al shows wherein the portable terminal has a depression mated with the protrusion at a location of the guide opposed to the protrusion when the first and second casings are superposed on each other (see figure 2).

Regarding claim 15, Hironori et al shows wherein the rotator is hollow and power or signal leads guided to the first casing and the second casing are passed through the hollow portion (see figure 2).

Regarding claim 16, Akitoshi et al also shows wherein the first surface of the first casing facing the user includes a display unit and/or a speaker, and wherein the functions on the second surface of the second casing facing the user includes an operation unit and/or a microphone (see figures 1, 2, and 5).

Regarding claim 20, Akitoshi et al also shows wherein the portable terminal has a microphone or a speaker in the first casing (see figures 1, 2 and 5)

5. Claims 9-12, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's cited references JP2002-135380 (Akitoshi et al) in view of JP05-211547 (Hironori et al) and further in view of JP2001-292209 (Akira).

Regarding claims 9-12 and 21, Akitoshi et al does not disclose wherein the biasing means is an elastic body disposed with being elastically deformed between the second base member and the rotator so as to generate a biasing force for biasing the protrusion against the guide by means of a restoring force of the elastic body.

However, Akira teaches the biasing means is an elastic body (paragraphs 0034-0041).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use an elastic body for the biasing means by Akira in Akitoshi et al for absorbing impact caused when in closing a portable terminal.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applicant's cited references JP2002-135380 (Akitoshi et al) in view of JP05-211547 (Hironori et al) and further in view of JP07-272468 (Hideaki)

Regarding claim 19, Akitoshi et al does not disclose wherein a side wall of the depression in the direction of the relative rotation of the two casings is an inclined face gradually broaden toward the opposed face from a bottom wall surface of the depression.

However, Hideaki teaches a side wall of the depression in the direction of the relative rotation of the two casings is an inclined face gradually broaden toward the opposed face from a bottom wall surface of the depression (see abstract and figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use Hideaki in Akitoshi et al for a particular application.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUAN D. NGUYEN whose telephone number is (571)272-8163. The examiner can normally be reached on M-F 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TDN
4/8/08

/Tuan D. Nguyen/
Examiner, Art Unit 2614